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Customer No.: 07278

Docket No.: 03108/000K142-US0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bordoloi et al.

Serial No.: 10/027,913

Group Art Unit: 1651

Confirmation No.: 9063

Examiner: Irene Marx

Filed: 12/20/2001

For: 2-METHYLHEPTYLISONICOTINATE AND PROCESS  
FOR PRODUCTION THEREOF

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DECLARATION OF GOJENDRA NATH BORDOLOI UNDER 37 C.F.R. § 1.132  
AND IN ACCORDANCE WITH IN RE KATZ

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Gojendra Nath BORDOLOI, do hereby declare and state as follows:

1. I am a citizen of India and am more than twenty-one years of age.
2. I am one of the inventors in the above-identified patent application, and make the following averments on behalf of myself and my co-inventors: Babita Kumari, Manobjyoti Bordoloi, Monoj Kanti Roy, and Tarun Chandra Bora.

Serial No.: 10/027,913  
Group Art Unit: 1651

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3. I have read and am familiar with the instant application as it was filed in the U.S. Patent and Trademark Office (the "USPTO"), the pending claims of the application, and the Office Action mailed by the USPTO on January 30, 2004 in connection with that application.

4. Babita Kumari, Arijit Guha, Manobjyoti Bordoloi, RNS Yadav, Monoj K. Roy, Tarun C. Bora, and myself are also co-authors of the article entitled "Isolation and Structure Elucidation of a New Antifungal and Antibacterial Antibiotic Produced by *Streptomyces* sp. 201" published in Biosci. Biotechnol. Biochem., Volume 65, Issue 8, pp. 1856-1858 (hereinafter "Bordoloi *et al.*"). Upon information and belief, this article was published in August 2001, *i.e.*, less than one year prior to the filing date of the present application.

5. I understand that the publication listed in ¶4 (Bordoloi *et al.*) was relied upon in the above-mentioned Office Action to reject claims 1 and 2 of the application under 35 U.S.C. § 102(a). The present declaration is submitted to describe the contribution of the authors of the publication listed in ¶4.

6. Co-authors Babita Kumari, Manobjyoti Bordoloi, Monoj K. Roy, Tarun Chandra Bora, and myself provided intellectual input, and were named as co-authors of the publication because of those contributions. Dr. Babita Kumari was a co-worker and her contribution was primarily towards isolation of strains of *Streptomyces* sp 201. Dr. Manobjyoti Bordoloi was a co-worker and was responsible for structure elucidation of the molecule. Dr. Monoj Kanti Roy was a co-worker and assisted in development of the product. Dr. Tarun Chandra Bora was the principal investigator of the working group and also supervised the research group and provided both intellectual input as well as financial and logistical support for the research and was also the supervisor of Dr. Gojendra Nath Bordoloi of the Ph.D. work based on the present invention.

7. Co-authors Arijit Guha and RNS Yadav were technical staff and provided non-scientific technical service. More specifically, Arijit Guha did not provide any intellectual contribution towards the invention or research work. Dr. R. N. S. Yadav was involved again

towards technical support in his official capacity and did not provide any intellectual input into the project on which the invention of the present application is based.

8. The novel antifungal antibacterial compound 2-methylheptylisonicotinate, as shown in Figure 1 of Bordoloi *et al.*, was the invention of Babita Kumari, Manohjyoti Bordoloi, M.K. Roy, Tarun Chandra Bora, and myself, and Arijit Guha and RNS Yadav did not, therefore contribute to the conception of any of the presently claimed subject matter of the instant application.

9. I further declare that all statements herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the present application or any patent issuing thereon.

Dated: 28th Oct., 2004

Gojendra Nath Bordoloi

Gojendra Nath Bordoloi

Serial No.: 10/027,913  
Group Art Unit: 1651

3

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